

Appl. No. 09/650,362
Amdt. Dated 1/17/2007
Reply to Office action of October 19, 2006

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REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed October 19, 2006. In the Office Action claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 102.

Applicant has amended independent claims 1, 16, and 23 to further clarify embodiments of the invention.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,317,722 issued to Jacobi et al. (hereinafter Jacobi).

MPEP § 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The *identical invention* must be shown in as complete detail as contained in the ... claim." (Emphasis added). *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicant respectfully submits that Jacobi does not describe or suggest the limitations of independent claims 1, 16, and 23 as they have been amended.

In particular, Applicant respectfully submits that Jacobi nowhere describes or suggests determining "like" and "dislike" categories for a main product and selecting "like" and "dislike" categories utilizing weight biases for the categories in a randomly based selection algorithm, wherein weight biases are assigned to each category based upon a predefined importance of the respective category.

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Moreover, in the previous Office Action, the Office Action has cited column 5, lines 18-31 as being related to randomly selecting products from "like" and "dislike" categories.

Column 5, lines 18-31 state:

The Amazon.com Web site includes functionality for allowing users to search, browse, and make purchases from an online catalog of several million book titles, music titles, video titles, and other types of items. Using a shopping cart feature of the site, users can add and remove items to/from a personal shopping cart which is persistent over multiple sessions. (As used herein, a "shopping cart" is a data structure and associated code which keeps track of items that have been selected by a user for possible purchase.) For example, a user can modify the contents of the shopping cart over a period of time, such as one week, and then proceed to a check out area of the site to purchase the shopping cart contents.

As above, this section relates to allowing users to search, browse, and make purchases using a shopping cart. However, Applicant can find no description or suggestion in this section, or the rest of Jacobi, of Applicant's functionality related to randomly selecting products from selected "like" and "dislike" categories in conjunction with the other limitations set forth in Applicant's amended independent claims 1, 16, and 23.

Applicant respectfully submits that because Jacobi does not describe or suggest the limitations of Applicant's amended independent claims 1, 16, and 23 that Applicant's claims are allowable over the prior art of record. Therefore, Applicant respectfully requests that the Examiner allow independent claims 1, 16, and 23, and the claims that depend therefrom, and pass these claims to issuance.

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Conclusion


In view of the remarks made above, it is respectfully submitted that pending claims 1, 9-12, 20-23, 31-33 are allowable over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/17/2007

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Attachments

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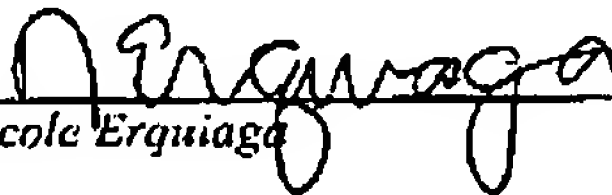
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Nicole Erquiaga

1/17/2007

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